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6 IN THE UNITED STATES DISTRICT COURT FOR THE

7 NORTHERN DISTRICT OF CALIFORNIA

8 SAN FRANCISCO DIVISION

RICHARD GEORGE,)	Case No. C-07-4673-MJJ
Plaintiff,)	<u>JOINT CASE MANAGEMENT</u>
v.)	<u>STATEMENT</u>
UNITED STATES OF AMERICA,)	TIME: 2:00 P.M.
Defendants.	}	DATE: JANUARY 8, 2008
		PLACE: COURTROOM 11, 19th FLOOR

15 Pursuant to the Court's case management scheduling order, the United States submits this
 16 case management conference statement.

17 **1. Jurisdiction:**

18 26 U.S.C. § 7433 provides this Court jurisdiction.

19 **2. Facts:**

20 The plaintiff, Richard E. George ("George"), has filed a complaint for damages
 21 against the United States ("Government"), alleging that the United States engaged in unauthorized
 22 collection actions against him in relation to his 1997, 1998, and 1999 tax liability. George is
 23 requesting direct economic damages in excess of \$3,000,000 of damages under 26 U.S.C. §7433 for
 24 the alleged unauthorized collection actions. Specifically, George alleges that the IRS collection
 25 actions by means of the federal tax liens were violative of the Internal Revenue Code in (1) that IRS
 26 did not provide hearings for the plaintiff under 26 U.S.C. §§6320 and 6330; (2) that the IRS violated
 27 §1203 of the IRS Reform and Restructuring Act of 1998, codified in 26 U.S.C. §7804; (3) that the
 28 levy placed on George's Bank of America account violated 26 U.S.C. §6331; (4) and that the IRS

1 has failed to release leins in violation of 26 U.S.C. §6325. George also further alleges that the
2 United States violated 26 U.S.C. §6103 in disclosing returns and return information to the
3 California Franchise Tax Board (“FTB”).

4 **3. Legal Issues:**

5 Whether the plaintiff has stated a cause of action with respect to any allegation.

6 **4. Motions:**

7 The United States will file a motion to dismiss on or before January 14, 2008.

8 **5. Amendment of Pleadings:**

9 None.

10 **6. Evidence Preservation:**

11 The United States’ records related to this matter are in the IRS custody.

12 **7. Disclosures:**

13 To the extent Rule 26 disclosures are requested, they will be made.

14 **8. Discovery:**

15 There has been no discovery to date.

16 **9. Class Actions:**

17 N/A

18 **10. Related Cases:**

19 N/A

20 **11. Relief:**

21 The plaintiff seeks damages in excess of \$3,000,000.

22 **12. Settlement and ADR:**

23 The United States does not request ADR process.

24 **13. Consent to Magistrate:**

25 The United States will consent to the trial of this matter by a United States Magistrate Judge.

26 **14. Other References:**

27 N/A.

15. Narrowing of Issues:

The issues will be narrowed through the United States' motion to dismiss.

16. Expedited Schedule:

The United States does not seek an expedited schedule.

17. Scheduling:

At this time the United States does not seek a discovery schedule or a trial date.

18. Trial:

The United States does not anticipate a trial of this matter. In the event a trial occurs it should last no more than 4 days.

19. Disclosure of Non-party Interested Entities or Persons:

Other than the parties to this action, there are no known entities or persons that have an interest in this matter.

20. Additional matters:

None have arisen or are expected.

JOSEPH P. RUSONIELLO
United States Attorney

/s/ Thomas Moore
THOMAS MOORE
Assistant United States Attorney
Attorneys for Defendant

1 **CERTIFICATE OF SERVICE**

2 I, **KATHY TAT** declare:

3 That I am a citizen of the United States of America and employed in San Francisco County,
4 California; that my business address is Office of United States Attorney, 450 Golden Gate Avenue,
5 Box 36055, San Francisco, California 94102; that I am over the age of eighteen years, and am not a
6 party to the above-entitled action.

7 I am employed by the United States Attorney for the Northern District of California and
8 discretion to be competent to serve papers. The undersigned further certifies that I caused a copy of
9 the following:

10 **JOINT CASE MANAGEMENT STATEMENT**

11 to be served this date upon the party(ies) in this action by placing a true copy thereof in a sealed
envelope, and served as follows:

12 **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the
designated area for outgoing U.S. mail in accordance with this office's practice.

14 **PERSONAL SERVICE (BY MESSENGER/HAND DELIVERED)**

15 **FACSIMILE (FAX) No.:** _____

16 to the parties addressed as follows:

17 Richard George
18 431 Central Ave.
Menlo Park, CA 94025

19 I declare under penalty of perjury under the laws of the United States that the foregoing is
20 true and correct.

22 Executed on **January 7, 2008** at San Francisco, California.

24 _____ /s/ Kathy Tat

25 **KATHY TAT**
26 **Legal Assistant**